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Attorneys for Defendant
ALIANTE INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

EXIGEN, LTD., a Bermuda corporation.,

Plaintiff,

vs.

ALIANTE TELECOM INC., a Canadian
corporation; ALIANTE INC., a Canadian
corporation; DOES 1-100, inclusive,

Defendants.

Case No.: C 04-1203 TEH (ARB)

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE THE
NOVEMBER 28, 2005 CASE
MANAGEMENT CONFERENCE AND
HEARING ON ALIANTE INC.'S MOTION
TO DISMISS**

Courtroom: 12
Hon. Thelton E. Henderson

WHEREAS, defendant Aliant Inc. and plaintiff Exigen, Ltd. are in the final stages of
settlement in that the parties have signed a Term Sheet and exchanged drafts of the Settlement
Agreement;

**STIPULATION TO CONTINUE CASE MANAGEMENT
CONFERENCE AND HEARING ON MOTION TO DISMISS
CASE NO. C 04-1203 THE (ARB)**

1 NOW, THEREFORE, the parties - by and through their respective counsel of record -
2 agree to and respectfully request that the Court continue the Case Management Conference and
3 hearing on Aliant's Motion to Dismiss to January 9, 2006 at 10:00 a.m.
4 No further extensions will be granted.

5 Dated: November __, 2005

O'MELVENY & MYERS LLP

6
7 By _____

8 Carla J. Christofferson
9 Dale M. Edmondson
Joshua D. Baker

10 Attorneys for Plaintiff EXIGEN, LTD.

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12 Dated: November 18, 2005

STEPTOE & JOHNSON, LLP

13
14
15 By: _____

16 Lawrence P. Riff
17 Jay E. Smith
18 Sonia O. Williams

19 Attorneys for Defendant ALIANT INC.

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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23 Hon. Thelton E. Henderson
24 United States District Judge 11/22/05